

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Daniel Carrion,

Defendant.

Case No.: 3-cr-30-JAD-RJJ

**Order Denying Without Prejudice
Defendant Daniel Carrion's Motion for
Release [ECF 68]**

In May 2004, defendant Daniel Carrion was sentenced to a 180-month prison term after pleading guilty to being a felon in possession of a firearm.¹ The sentence reflected the finding that Mr. Carrion was an armed career criminal under the Armed Career Criminal Act (ACCA).² Mr. Carrion appealed that finding, but the Ninth Circuit rejected his argument and affirmed his sentence.³

Referencing *Johnson v. United States*,⁴ where the Supreme Court held that imposing an enhanced sentence under ACCA's residual violates due process, Mr. Carrion has recently sent a letter to this Court requesting release from prison. This letter, though thoughtful and well-written, violates Local Rule 1A 10-6, which makes clear that a party who is represented by an attorney may not file motions on his own behalf: "A party who has appeared by attorney cannot while so represented appear or act in the case." On September 25, 2015, federal public defender William Carrico filed his notice of appearance as Mr. Carrion's attorney,⁵ taking over for, among other people, Lamond Mills, who Mr. Carrion mentions passed away.⁶ Mr. Carrion is therefore currently

¹ ECF 29.

² See 18 U.S.C. § 924 (c).

³ ECF 46.

⁴ *United States v. Johnson*, 1353 S.Ct. 2551 (2015).

⁵ ECF 66.

⁶ ECF 68

1 represented by an attorney; as a result, the letter he submitted—and the request he makes in it—is not
2 something I can consider. **If Mr. Carrion believes he requires some sort of action from this**
3 **court, he must consult with Mr. Carrico, who, as his attorney, may then file the appropriate**
4 **motion.**

5 Accordingly, IT IS HEREBY ORDERED THAT Defendant Daniel Carrion's Motion for
6 Release [ECF 68] is **DENIED WITHOUT PREJUDICE**. The clerk of court is directed to send
7 this order to:

8 **Daniel Carrion**
38060048
9 Federal Correctional Complex (USP2)
PO Box 1034
10 Coleman, FL 33521-1034

11 **William C. Carrico**
Federal Public Defender
12 411 E. Bonneville
Suite 250
13 Las Vegas, NV 89101

14 DATED November 20, 2015.

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JENNIFER A. DORSEY
17 UNITED STATES DISTRICT JUDGE
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